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10/767,473	01/29/2004	Andrew M. Proehl	50N3127.01	3618

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EXAMINER	
NGUYEN, LE V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,473	PROEHL ET AL.	
	Examiner	Art Unit	
	LE NGUYEN	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *41-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 2/7/08.

2. Claims 41-86 are pending in this application; and, claims 41, 47, 57, 63, 72, 76 and 80 are independent claims. Claims 41, 47, 57, 63, 72, 76 and 80 have been amended; and, claims 1-40 have been cancelled.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 41-56 and 80-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. ("Carlson", US 6,292,188 B1) in view of Gospel et al. ("Gospel", US 6,753,928 B1), in view of Nsonwu et al. ("Nsonwu", US 6,978,473 B1), and further in view of Zustak et al. ("Zustak", US 2002/0157098 A1).

As per claims 41 and 46, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation (col. 6, lines 15-16), generating a signal for displaying a first navigable list of menu options on a display (figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; a first navigable list of menu options such as 402 and 404), the first navigable list of menu options having a plurality of fields arranged in a first linear configuration that overlays

audio/visual (AV) content currently displayed on the display (figs. 4B, 5B, 6B and 7B), moving a cursor of the GUI to place the cursor over a field of the plurality of fields and, thus, highlight a field while continuing to display the AV content currently displayed on the display (fig. 4B; col. 6, lines 11-21), generating a signal for displaying a second navigable list of menu options associated with the highlighted field, the second navigable list of menu options arranged in a second linearly configured set of fields which intersect the first linear configuration of fields of the first navigable list of menu options at the highlighted field and overlaying the content currently displayed on the display (figs. 4B and 6B; col. 6, lines 11-21; a second navigable list of menu options such as 409 and 419), moving a cursor of the GUI over a menu and selecting the menu option wherein the AV content currently displayed on the display continues to display unless the menu option selected is a menu option that begins displaying a different selection of AV content (figs. 2A and 4B; col. 6, lines 11-21; e.g. selecting menu option 416). Carlson does not explicitly disclose the overlay menu being displayed simultaneously with playing of audio/visual (AV) content. Gospel teaches an overlay menu being displayed simultaneously with playing of visual/audio or AV content (figs. 5-6; col. 2, lines 1-18; col. 3, lines 38-49; menus are overlaid on the currently tuned/selected live video). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gospel with the method of Carlson in order to provide users with tuning/selection feedback and confirmation.

However, Carlson and Gospel does not explicitly disclose *entering a GUI in response to activation of a user command during the playing* of the AV content, *the user*

command initiating entry into a menu system. Nsonwu teaches entering a GUI in response to activation of a user command during the playing of the AV content, the user command initiating entry into a menu system (fig. 2; col. 5, lines 4-29). It would have been obvious to an artisan at the time of the invention to incorporate the method of Nsonwu with the method of Carlson and Gospel in order to display additional information on the screen while allowing the user to continue to watch the selected program.

Although Gospel teaches hierarchical pull down menus (col. 1, lines 32-41), Carlson, Gospel & Nsonwu do not explicitly disclose, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display. Zustak teaches, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display (fig. 7; paragraph [0048]; wherein a drop-down menu are menus that display when a selection is made from a list box, i.e they remain open until users choose a menu item). It would have been obvious to an artisan at the time of the invention to incorporate the method of Zustak with the method of Carlson, Gospel & Nsonwu in order to save display space and provide users with an uncluttered view.

As per claim 42, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed

processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially horizontally (Carlson: fig. 4B; first navigable list of menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (Carlson: fig. 4B; second navigable list of menu options such as 409).

As per claim 43, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially vertically (Carlson: fig. 6B; first navigable list of menu options such as 404), and the second linear configuration of the second menu is oriented substantially horizontally (Carlson: fig. 6B; second navigable list of menu options such as 419).

As per claim 44, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (Carlson: figs. 4B and 6B).

As per claim 45, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable medium storing instructions that, when carried out on a programmed

processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claims 47, 55 and 80, Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a first linear configuration that overlays AV content currently displayed on the display (figs. 4A, 4B, 6A and 6B; e.g. 402 and 404), generating a signal for displaying a cursor of the GUI over a field of the plurality of fields, thus producing a highlighted first menu field (figs. 6A-6B; col. 6, lines 43-65) and generating a signal for displaying a second menu on a display, the second menu being arranged as a second linear configuration crossing the first menu, with the highlighted first menu field being a location of an intersection of the first menu and the second menu wherein the second menu overlays the AV content currently displayed on the display, and wherein the AV content currently displayed on the display continues to display unless a menu option is selected that begins displaying a different selection of AV content (figs. 2A, 4A, 4B, 6A and 6B; e.g. 409 and 419). Carlson does not explicitly disclose the overlay menu being displayed simultaneously with playing of AV content. Gospel teaches an overlay menu being displayed simultaneously with playing of AV content (figs. 3-8; col. 2, lines 1-18; col. 3, lines 38-49; menus are overlaid on the currently tuned/selected live video). It would have been obvious to an artisan at the time

of the invention to incorporate the method of Gospel with the method of Carlson in order to provide users with tuning/selection feedback and confirmation.

However, Carlson and Gospel does not explicitly disclose *entering a GUI in response to activation of a user command during the playing* of the AV content, *the user command initiating entry into a menu system*. Nsonwu teaches entering a GUI in response to activation of a user command during the playing of the AV content, the user command initiating entry into a menu system (fig. 2; col. 5, lines 4-29). It would have been obvious to an artisan at the time of the invention to incorporate the method of Nsonwu with the method of Carlson and Gospel in order to display additional information on the screen while allowing the user to continue to watch the selected program.

Although Gospel teaches hierarchical pull down menus (col. 1, lines 32-41), Carlson, Gospel & Nsonwu do not explicitly disclose, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display. Zustak teaches, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display (fig. 7; paragraph [0048]; wherein a drop-down menu are menus that display when a selection is made from a list box, i.e they remain open until users choose a menu item). It would have been obvious to an artisan at the time of the invention to incorporate the method of

Zustak with the method of Carlson, Gospel & Nsonwu in order to save display space and provide users with an uncluttered view.

As per claims 48 and 81, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a signal for moving the cursor of the GUI to place the cursor over a field of the set of fields of the second menu, thus highlighting a second menu field (Carlson: figs. 6A-6B; col. 6, lines 43-65).

As per claims 49 and 82, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising selecting an action associated with the highlighted second menu field wherein the action initiates playing a different selection of AV content on the display (Carlson: figs. 6A-6B; col. 6, lines 43-65; action initiates displaying of different selection of AV content on the display; Gospel: figs. 5-6; e.g. “CH 3” video stream is provided in the Picture in Picture area in response to highlighting option “2” of fig. 5, while “CH 4” video stream is provided in the Picture in Picture area in response to highlighting option “3” of fig. 6).

As per claims 50 and 83, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is

oriented substantially horizontally (Carlson: fig. 4B; first navigable list of menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (Carlson: fig. 4B; second navigable list of menu options such as 409).

As per claims 51 and 84, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially vertically (Carlson: fig. 6B; first navigable list of menu options such as 404), and the second linear configuration of the second menu is oriented substantially horizontally (Carlson: fig. 6B; second navigable list of menu options such as 419).

As per claims 52 and 85, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (Carlson: figs. 4B and 6B).

As per claims 53 and 86, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises at least one of a

menu of available media, a menu of available options, a menu of available actions, a menu of available devices associated with the highlighted first menu field (Carlson: figs. 4B and 6B).

As per claim 54, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claim 56, the modified Carlson teaches an Audio/Visual (AV) method for navigation of menu options available to a user of an AV device and a computer readable medium storing instructions that, when carried out on a programmed processor, carry out a process for navigation of menu options available to a user of the AV device/system (Carlson: figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

5. Claims 57-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. (“Carlson”, US 6,292,188 B1) in view of Gospel et al. (“Gospel”, US 6,753,928 B1), in view of Nsonwu et al. (“Nsonwu”, US 6,978,473 B1), in view of Zustak et al. ("Zustak”, US 2002/0157098 A1), and further in view of Gerba et al. (“Gerba”, US 6,445,398 B1).

As per claims 57 and 62, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a

programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation of a selection mechanism (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a first linear configuration that overlays AV content currently displayed on the display, the first plurality of fields representing sources of AV content (figs. 4A, 4B, 5B, 6A and 6B; col. 3, lines 51-57; col. 6, lines 1-21; display screen 102 displays selected text or video data (in this case, video) wherein a first navigable list of menu options such as 402 and 404), moving a cursor of the GUI to place the cursor over a field of the plurality of fields, and thus highlight the field (fig. 4B; col. 6, lines 11-21), generating a signal for displaying a navigable list of menu options associated with the highlighted field, the navigable list of menu options being arranged as in second linearly configured set of fields which cross the first linear configuration of fields of the first menu at the highlighted field wherein the second linearly configured set of fields overlays the AV content currently displayed on the display (figs. 4B and 6B; col. 6, lines 11-21; a second navigable list of menu options such as 409 and 419), moving a cursor of the GUI to place the cursor over a menu option on the navigable list of menu options and selecting the menu option in response to activation of a selection mechanism wherein the AV content currently displayed on the display continues to be displayed unless the menu option selected is a menu option that begins displaying a different selection of AV content (figs. 2A and 4B; col. 6, lines 11-21; e.g. selecting menu option 416). Carlson does not explicitly disclose the overlay menu being displayed simultaneously with playing of AV content. Gospel teaches an overlay menu

being displayed simultaneously with playing of AV content (figs. 3-8; col. 2, lines 1-18; col. 3, lines 38-49; menus are overlaid on the currently tuned/selected live video). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gospel with the method of Carlson in order to provide users with tuning/selection feedback and confirmation.

However, Carlson and Gospel does not explicitly disclose *entering a GUI in response to activation of a user command during the playing* of the AV content, *the user command initiating entry into a menu system*. Nsonwu teaches entering a GUI in response to activation of a user command during the playing of the AV content, the user command initiating entry into a menu system (fig. 2; col. 5, lines 4-29). It would have been obvious to an artisan at the time of the invention to incorporate the method of Nsonwu with the method of Carlson and Gospel in order to display additional information on the screen while allowing the user to continue to watch the selected program.

Although Gospel teaches hierarchical pull down menus (col. 1, lines 32-41), Carlson, Gospel & Nsonwu do not explicitly disclose, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display. Zustak teaches, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display (fig. 7; paragraph [0048]; wherein a drop-down menu are menus that display when a selection is made

from a list box, i.e they remain open until users choose a menu item). It would have been obvious to an artisan at the time of the invention to incorporate the method of Zustak with the method of Carlson, Gospel & Nsonwu in order to save display space and provide users with an uncluttered view.

Carlson, Gospel, Nsonwu & Zustak still do not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the methods of Carlson, Gospel, Nsonwu & Zustak in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 58, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially horizontally (Carlson: fig. 4B; first navigable list of menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (Carlson: fig. 4B; second navigable list of menu options such as 409).

As per claim 59, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a

programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially vertically (Carlson: fig. 6B; first navigable list of menu options such as 404), and the second linear configuration of the second menu is oriented substantially horizontally (Carlson: fig. 6B; second navigable list of menu options such as 419).

As per claim 60, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (Carlson: figs. 4B and 6B).

As per claim 61, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claims 63 and 71, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to receipt of a GUI selection signal (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a

plurality of fields arranged in a first linear configuration that overlays AV content currently displayed on the display, the first plurality of fields representing sources of AV content (figs. 4A, 4B, 5B, 6A and 6B; col. 3, lines 51-57; e.g. 402 and 404), generating a signal for displaying a cursor of the GUI over a field of the plurality of fields, thus producing a highlighted first menu field, in response to receipt of a navigation signal (figs. 6A-6B; col. 6, lines 43-65) and generating a signal for displaying a second menu on the display, the second menu being arranged as linear set of fields crossing the first menu, with the highlighted first menu field being a location of intersection of the first menu and the second menu wherein the second menu overlays the AV content currently displayed on the display, and wherein the AV content currently displayed on the display continues to be displayed unless a menu option is selected that begins displaying a different selection of AV content (figs. 2A, 4A, 4B, 6A and 6B; e.g. 409 and 419). Carlson does not explicitly disclose the overlay menu being displayed simultaneously with playing of AV content. Gospel teaches an overlay menu being displayed simultaneously with playing of AV content (figs. 3-8; col. 2, lines 1-18; col. 3, lines 38-49; menus are overlaid on the currently tuned/selected live video). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gospel with the method of Carlson in order to provide users with tuning/selection feedback and confirmation.

However, Carlson and Gospel does not explicitly disclose *entering a GUI in response to activation of a user command during the playing* of the AV content, *the user command initiating entry into a menu system*. Nsonwu teaches entering a GUI in

response to activation of a user command during the playing of the AV content, the user command initiating entry into a menu system (fig. 2; col. 5, lines 4-29). It would have been obvious to an artisan at the time of the invention to incorporate the method of Nsonwu with the method of Carlson and Gospel in order to display additional information on the screen while allowing the user to continue to watch the selected program.

Although Gospel teaches hierarchical pull down menus (col. 1, lines 32-41), Carlson, Gospel & Nsonwu do not explicitly disclose, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display. Zustak teaches, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display (fig. 7; paragraph [0048]; wherein a drop-down menu are menus that display when a selection is made from a list box, i.e they remain open until users choose a menu item). It would have been obvious to an artisan at the time of the invention to incorporate the method of Zustak with the method of Carlson, Gospel & Nsonwu in order to save display space and provide users with an uncluttered view.

Carlson, Gospel, Nsonwu & Zustak still do not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the methods of Carlson and

Gospel in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 64, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a signal for moving the cursor of the GUI to place the cursor over a field of the set of fields of the second menu, thus highlighting a second menu field (Carlson: figs. 6A-6B; col. 6, lines 43-65).

As per claim 65, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising selecting an action associated with the highlighted second menu field in response to receipt of a selection command from the remote commander wherein the AV content currently playing on the display continues to play unless a menu option is selected that begins playing a different selection of AV content (Carlson: figs. 6A-6B; action initiates displaying of different selection of AV content on the display; col. 6, lines 43-65; Gerba: figs. 4A-F; Gospel: figs. 5-6; e.g. “CH 3” video stream is provided in the Picture in Picture area in response to highlighting option “2” of fig. 5, while “CH 4” video stream is provided in the Picture in Picture area in response to highlighting option “3” of fig. 6).

As per claim 66, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a

computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially horizontally (Carlson: fig. 4B; first navigable list of menu options such as 402), and the second linear configuration of the second menu is oriented substantially vertically (Carlson: fig. 4B; second navigable list of menu options such as 409).

As per claim 67, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially vertically (Carlson: fig. 6B; first navigable list of menu options such as 404), and the second linear configuration of the second menu is oriented substantially horizontally (Carlson: fig. 6B; second navigable list of menu options such as 419).

As per claim 68, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the first linear configuration of the first menu is oriented substantially at a right angle to the second linear configuration of the second menu (Carlson: figs. 4B and 6B).

As per claim 69, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a

computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises a menu of functions associated with the highlighted first menu field (Carlson: figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

As per claim 70, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claims 72 and 75, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation of a selection mechanism (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a horizontal configuration that overlays AV content currently displayed on the display, the first plurality of fields representing sources of AV content (figs. 4A, 4B, 5B, 6A and 6B; col. 6, lines 1-21; a first navigable list of menu options such as 402 and 404), laterally moving a cursor of the GUI to place the cursor over a field of the plurality of fields and, thus, highlight the field (fig. 4B; col. 6, lines 11-21), generating a signal for displaying a list of menu options associated with the highlighted field, the navigable list of menu options being arranged as a vertical set of

fields crossing the horizontal configuration of fields of the first menu at the highlighted field wherein the list of menu options overlays the selection of AV content displayed on the display (figs. 4B and 6B; col. 6, lines 11-21; a second navigable list of menu options such as 409 and 419), vertically moving a cursor of the GUI to place the cursor over a menu option on the navigable list of menu options and selecting the menu option in response to activation of a selection mechanism wherein the AV content currently displayed on the display continues to be displayed unless the menu option selected is a menu option that begins displaying a different selection of AV content (figs. 2A and 4B; col. 6, lines 11-21; e.g. selecting menu option 416). Carlson does not explicitly disclose the overlay menu being displayed simultaneously with playing of AV content. Gospel teaches an overlay menu being displayed simultaneously with playing of AV content (figs. 3-8; col. 2, lines 1-18; col. 3, lines 38-49; menus are overlaid on the currently tuned/selected live video). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gospel with the method of Carlson in order to provide users with tuning/selection feedback and confirmation.

However, Carlson and Gospel does not explicitly disclose *entering a GUI in response to activation of a user command during the playing* of the AV content, *the user command initiating entry into a menu system*. Nsonwu teaches entering a GUI in response to activation of a user command during the playing of the AV content, the user command initiating entry into a menu system (fig. 2; col. 5, lines 4-29). It would have been obvious to an artisan at the time of the invention to incorporate the method of Nsonwu with the method of Carlson and Gospel in order to display additional

information on the screen while allowing the user to continue to watch the selected program.

Although Gospel teaches hierarchical pull down menus (col. 1, lines 32-41), Carlson, Gospel & Nsonwu do not explicitly disclose, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display. Zustak teaches, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display (fig. 7; paragraph [0048]; wherein a drop-down menu are menus that display when a selection is made from a list box, i.e they remain open until users choose a menu item). It would have been obvious to an artisan at the time of the invention to incorporate the method of Zustak with the method of Carlson, Gospel & Nsonwu in order to save display space and provide users with an uncluttered view.

Carlson, Gospel, Nsonwu & Zustak still do not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the methods of Carlson and Gospel in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 73, the modified Carlson teaches in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and A

computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises a menu of functions associated with the highlighted first menu field (Carlson: figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

As per claim 74, the modified Carlson teaches in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and A computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising generating a video display of first and second menus (Carlson: figs. 4B and 6B).

As per claims 76 and 79, Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process comprising entering a graphical user interface (GUI) in response to activation of a selection mechanism (col. 6, lines 15-16), generating a signal for displaying a first menu on a display, the first menu having a plurality of fields arranged in a vertical configuration that overlay a selection of AV content currently displayed on the display, the plurality of fields representing sources of AV content (figs. 5B, 6A-6B; a first menu 404), vertically moving a cursor of the GUI to place the cursor over a field of the plurality of fields, and thus highlight the field (figs. 6A-6B; col. 6, lines 43-65), generating a signal for displaying a list of menu options associated with the highlighted field, the navigable list of menu options being arranged as a horizontal set of fields crossing the horizontal configuration of fields of the first

menu at the highlighted field wherein the navigable list of menu options overlays the selection of AV content currently displayed on the display (figs. 6A-6B; navigable list of menu options 419 being arranged as a horizontal set of fields), horizontally moving a cursor of the GUI to place the cursor over a menu option on the navigable list of menu options and selecting the menu option in response to activation of a selection mechanism wherein the AV content currently displayed on the display continues to be displayed unless the menu option selected is a menu option that begins displaying a different selection of AV content (figs. 2A and 6A-6B; col. 6, lines 43-65; e.g. selecting menu option 420). Carlson does not explicitly disclose the overlay menu being displayed simultaneously with playing of AV content. Gospel teaches an overlay menu being displayed simultaneously with playing of AV content (figs. 3-8; col. 2, lines 1-18; col. 3, lines 38-49; menus are overlaid on the currently tuned/selected live video). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gospel with the method of Carlson in order to provide users with tuning/selection feedback and confirmation.

However, Carlson and Gospel does not explicitly disclose *entering a GUI in response to activation of a user command during the playing* of the AV content, *the user command initiating entry into a menu system*. Nsonwu teaches entering a GUI in response to activation of a user command during the playing of the AV content, the user command initiating entry into a menu system (fig. 2; col. 5, lines 4-29). It would have been obvious to an artisan at the time of the invention to incorporate the method of Nsonwu with the method of Carlson and Gospel in order to display additional

information on the screen while allowing the user to continue to watch the selected program.

Although Gospel teaches hierarchical pull down menus (col. 1, lines 32-41), Carlson, Gospel & Nsonwu do not explicitly disclose, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display. Zustak teaches, upon selection of a menu option, ceasing generating of the signals for displaying first and second navigable list of menu options so that the first and second navigable list of menu options disappear from the display (fig. 7; paragraph [0048]; wherein a drop-down menu are menus that display when a selection is made from a list box, i.e they remain open until users choose a menu item). It would have been obvious to an artisan at the time of the invention to incorporate the method of Zustak with the method of Carlson, Gospel & Nsonwu in order to save display space and provide users with an uncluttered view.

Carlson, Gospel, Nsonwu & Zustak still do not explicitly disclose the selection mechanism being a remote commander. Gerba teaches a selection mechanism being a remote commander (figs. 4A-F). It would have been obvious to an artisan at the time of the invention to incorporate the method of Gerba with the methods of Carlson and Gospel in order to provide users with an implementation preference, especially given that a remote commander/remote control is common in an audio/visual system.

As per claim 77, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a

computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process wherein the second menu comprises a menu of functions associated with the highlighted first menu field (Carlson: figs. 4A, 4B, 6A and 6B; col. 6, lines 1-21; col. 6, lines 43-65).

As per claim 78, the modified Carlson teaches, in an audio/visual (AV) system, a method for navigation of menu options available to a user of the AV system and a computer readable storage medium storing instructions that, when carried out on a programmed processor, carry out a process generating a video display of first and second menus (Carlson: figs. 4B and 6B).

Response to Arguments

6. Applicant's arguments with respect to claims 41, 47, 57, 63, 72, 76 and 80 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendricks et al. (US 2003/0117445 A1) teach benefits of having overlay menus.

Levesque et al. (US 2004/0098422 A1) teach drop-down menus.

Poslinski (US 2004/0096184 A1) teaches EPGs with drop-down menus.

Inquires

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (571) 272-3923.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
May 4, 2008

/David A Wiley/
Supervisory Patent Examiner, Art Unit 2174